

# HOUSE . . . . . No. 1689

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Kathi-Anne Reinstein**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to criminal offender record information checks for assisted living employees.

PETITION OF:

NAME:

Kathi-Anne Reinstein

DISTRICT/ADDRESS:

16th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1589 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO CRIMINAL OFFENDER RECORD INFORMATION CHECKS FOR ASSISTED LIVING EMPLOYEES.

1           *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority*  
2 *of the same, as follows:*

3 Chapter 6 of the General Laws is hereby amended by inserting after section 172E the following section:--

4 Section 172E1/2. Notwithstanding any provision of section 172, criminal record information shall be  
5 available to any assisted living residences as defined in section 1 of chapter 19D and to any continuing  
6 care facility as defined in section 1 of chapter 19D and to any continuing care facility as defined in  
7 section 1 of chapter 40D for the purpose of obtaining criminal offender record information on an  
8 applicant under final consideration for, or an individual currently employed in, a position that involves the  
9 provision of direct personal care or treatment to residents of such facility. Any such assisted living  
10 residence or continuing care facility shall obtain all available criminal offender record information from  
11 the criminal history systems board on an applicant under final consideration for a position that involves  
12 the provision of direct personal care or treatment to residents.

13           An assisted living residence or continuing care facility which obtains information under this  
14 section shall prohibit the dissemination of such information for any purpose other than to further the  
15 protection of the elderly or the disabled, including, but not limited to, dissemination among and between  
16 assisted living residences and continuing care facilities.

17           An assisted living residence or continuing care facility may employ an individual for a position  
18 that involves the provision of direct personal care or treatment to residents of such facility on a  
19 conditional basis prior to receiving the results of such individual's criminal offender record check from  
20 the criminal history systems board.

21           No assisted living residence or continuing care facility shall be liable for civil damages to any  
22 individual so conditionally employed and subsequently discharged by reason of information received as a  
23 result of a criminal offender record information check completed pursuant to this section.

24           The criminal history system board may waive or reduce the fee assessable pursuant to section  
25   172A for criminal offender record information made available pursuant to this section.

26           Notwithstanding any general or special law to the contrary, the division of medical assistance  
27   shall, subject to appropriation, reimburse assisted living residences and continuing care facilities for the  
28   portion of the costs associated with obtaining criminal record information on employees pursuant to this  
29   section.